



Federal Communications Commission
Washington, D.C. 20554

May 9, 2005

The Honorable Donald A. Manzullo
U.S. House of Representatives
2228 Rayburn House Office Building
Washington, D.C. 20515

DOCKET FILE COPY ORIGINAL

Dear Congressman Manzullo:

Thank you for your letter, dated April 15, 2005, on behalf of Jude Garner, a constituent from Crystal Lake, Illinois. Ms. Garner is concerned with recent proposals made by the Commission regarding the use of wireless telephones in airborne aircraft. In particular, she states that there is "no hard evidence" that cell phone use will not interfere with aircraft navigational instruments. In addition, she believes that the introduction of cellular telephones on airplanes will increase passenger tension, compromise flight attendants' ability to maintain order in an emergency, and possibly facilitate terrorist coordination. You ask that we review this matter and provide information that addresses Ms. Garner's concerns.

On February 15, 2005, the Commission released a *Notice of Proposed Rulemaking (Notice)* in WT Docket No. 04-435 that proposes to relax the Commission's current ban on the use of 800 MHz cellular telephones in airborne aircraft, including airplanes. In 1991, the Commission adopted the current ban on the airborne use of cell phones out of concern that such use would interfere with terrestrial cellular networks. On the other hand, the Federal Aviation Administration (FAA) regulates the use of cellular telephones, as well as other transmitting portable electronic devices (T-PEDs), on airplanes, out of concern that such devices might interfere with aircraft communications and navigation systems.

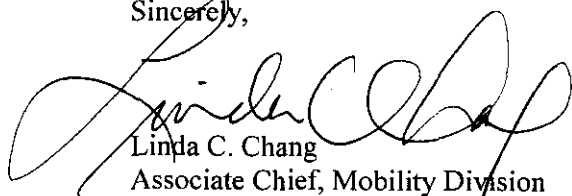
Since 1991, advances in technology appear to address the Commission's initial concerns of interference that warranted adoption of the ban. Consequently, the Commission believes that it may now be possible for the traveling public to use their cell phones while airborne without increasing the risk of interference to cellular systems on the ground. Accordingly, in the *Notice*, the Commission proposes to relax the ban on the airborne use of cellular telephones so long as the phones are controlled by a "pico cell" installed onboard private or commercial aircraft that directs the handsets to operate at or near their lowest applicable power settings. It also seeks comment on the practicality of an industry-initiated solution that would enable use of airborne cellular units without the FCC having to mandate technical rules. Finally, the *Notice* seeks comment as to whether the Commission should allow licensees to provide 800 MHz cellular service to airborne wireless units on a secondary basis, subject to certain technical limitations that would ensure no interference to terrestrial operations.

The public is encouraged to submit comments in this proceeding. The filing deadline for comments is May 26, 2005, and for reply comments it is June 27, 2005.

The Honorable Donald A. Manzullo
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I appreciate your interest in this matter. Your letter, as well as this response, will be placed in the record of this proceeding. Please do not hesitate to contact me, or Guy Benson, Mobility Division, Wireless Telecommunications Bureau, at 202-418-2946, if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda C. Chang", is written over the typed name and title.

Linda C. Chang
Associate Chief, Mobility Division
Wireless Telecommunications Bureau

DONALD A. MANZULLO
COMMITTEE ON SMALL BUSINESS
CHAIRMAN

COMMITTEE ON
FINANCIAL SERVICES

SUBCOMMITTEE ON
CAPITAL MARKETS, INSURANCE
AND GOVERNMENT
SPONSORED ENTERPRISES

SUBCOMMITTEE ON
DOMESTIC AND INTERNATIONAL
MONETARY POLICY,
TRADE AND TECHNOLOGY

Congress of the United States
House of Representatives
Washington, DC 20515-1336

April 15, 2005

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www.house.gov/manzullo

Chairman Kevin Martin
Federal Communications Commission
445 12th St. SW #8-B201
Washington, DC 20554

Dear Kevin:


I have been contacted by Jude Garner, a constituent from Crystal Lake, Illinois who is inquiring about the use of cell phones on commercial aircraft.

I have enclosed a copy of the original letter, and I would appreciate it if you could please provide us information that addresses Jude's concerns consistent with your applicable rules and regulations.

I know that the matter will be carefully and objectively reviewed, and I am grateful for any assistance you may be able to render. Please forward any correspondence to my staff assistant **Mary Ellen Brown** in my Washington D.C. office. I look forward to hearing from you soon.

Thank you for your consideration of this matter.

Sincerely,



Donald A. Manzullo
Member of Congress

PLEASE RESPOND TO:
2228 Rayburn House Office Building
Washington, D.C. 20515
(202) 225-5676
(202) 225-5284 (Fax)

WJB
Other
863

64 Brown, MaryEllen

From: writerep
Sent: Wednesday, April 13, 2005 7:03 PM
To: IL16WYR
Subject: WriteRep Responses

DATE: April 13, 2005 6:40 PM
NAME: Jude Garner
ADDR1: 8610 Bard Rd
ADDR2:
ADDR3:
CITY: Crystal lake
STATE: Illinois
ZIP: 60014-6807
PHONE:
EMAIL: jgtea1@ameritech.net
Message:

1. 34?

FCC Commissioners
The Federal Communications Commission RE: Docket 04-435
445 12th Street, SW
Washington, DC 20554

Dear FCC Commissioners ,

I am writing to voice my concerns about the FCC's proposal to relax the restrictions on the use of cell phones on airplanes in flight. A cell phone didn't bother the flight which was hijacked on 9-11, so why all the problems now?

There is no hard evidence that cell phone use doesn't interfere with navigational instruments. The introduction of cell phone use in the cabin will not only increase tension among passengers, it will compromise flight attendants' ability to maintain order in an emergency. Cell phone use could also enable terrorists to coordinate a plan of action more effectively.

Please leave the current rules in effect.

Sincerely,

Jude Garner
8610 Bard Rd
Crystal lake, Illinois 60014

cc:
Senator Dick Durbin
Senator Barack Obama
Representative Don Manzullo